

09/221



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,542	12/28/1998	JACQUES JOSEPH LABRIE	ST9-98-004	4441

687 7590 12/02/2004

ALBERT P. SHARPE, III  
FAY, SHARPE, BEALL, FAGAN,  
MINNICH & MCKEE  
1100 SUPERIOR AVENUE, SUITE 700  
CLEVELAND, OH 44114

EXAMINER
----------

CHEN, TE Y

ART UNIT	PAPER NUMBER
----------	--------------

2161

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/221,542

**Applicant(s)**

LABRIE, JACQUES JOSEPH

**Examiner**

Susan Y Chen

**Art Unit**

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/12/2004 has been entered.

This office action is in response to amendment filed on 08/02/2004.

Claims 1-28 are pending for examination.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Alston, Jr. et al. (U. S. Patent No. 5,315,709).

As to claims 1, 7, 13, 19 and 27-28, Alston et al. (hereinafter referred as Alston) disclose a computer system with means/methods/computer program product to perform the functions as claimed by applicant, comprising:

a) a computer having a memory, and a data storage device coupled thereto that stores data [e.g., Abstract, Fig(s) 1A-1D and associated texts];

b) one or more computer programs, performed by the computer, for, in response to receiving user input , selecting a target object in an information catalog and providing information about a source data from which the target object was derived via a transformation performed on contents of the source data [e.g., the Bachman Analyst TM , col. 1, line 60 – col. 2, line 3, col. 7, lines 21 – col. 8, line 46; Fig. 1B and associated texts];

c) a plurality of objects including a target object [e.g., the unit 42, Fig. 2] wherein the target object was derived from one or more transformations of one or more sources data [e.g., 32, Fig. 2; col. 13, Forward/Reverse Transformation section] ;

d) a transformation lineage system which stores transformation lineage information for the target object, the transformation lineage information associating the target object with the one or more transformations and identifying the one or more data sources [e.g., the Transformation system 10, Fig(s). 1A-2 and associated texts; col. 17, lines 45 – col. 18, line 20];

e) a user interface [e.g., the Bachman 3.10 interface of Fig(s). 5A – 8], for receiving user input for selecting one of the plurality of objects; wherein, the user interface configure to display the transformation lineage information in response to receiving user selected input [e.g., Fig(s). 5A-8 and associated texts].

As to claims 2, 8, 14 and 20-21, Alston further disclosed the target object [e.g., the node 42, Fig. 2] and the information are represented as a node in a tree structure [e.g., the data structure containing a set of nodes that are linked in a hierarchical fashion as shown in Fig. 2, col. 9, lines 45 - col. 10, line 18].

As to claims 3, 9, 15, 22 and 24, Alston further disclosed the system having one or more computer programs including means and logic for providing the transformation information of source to target [e.g., the Bachman Analyst TM, col. 1, line 60 – col. 2, line 3; the unique naming schema at col. 4, lines 12-27].

As to claims 4, 10, 16 and 23, Alston further disclosed the system having means to identify a transformation producing function [e.g. the meta system 22, 24 of the Workstation Manager 20, Fig. 1; col. 8, lines 14-25].

As to claims 5, 11, 17 and 25, Alston further disclosed the system having means for providing lineage information [e.g., the hierarchy order of the linear engineering design space, Fig. 2].

As to claims 6, 12, 18 and 26, Alston further disclosed the system having means for maintaining one or more transformation models for use in providing the lineage information [e.g., the engineering and reverse engineering processing at col. 8, lines 47-63].

### ***Response to Arguments***

Applicant's arguments filed 08/02/2004 have been fully considered but they are not persuasive.

The argument cited in Section A, page 7, is now moot, because Applicant filed Request for Continued Examination (RCE) on 09/09/2004.

The arguments cited against prior art (e.g., Alston et al.-- U. S. Patent No. 5,315,709 ) are summarized as following:

- a) the prior art fails to include the limitation of navigating data.
- b) Alston's patent does not teach providing information about source from which a target object was derived via a transformation performed on the source data to derive the target object.

In reply to a), the examiner points out that the phrase "navigating data" merely appears in the preamble of claim 1 and does not affect the steps recited in the body of

Art Unit: 2161

that claim. Thus, the claimed method is broad enough to read on the fact that a user is using the window system to navigate the relationships between design objects in different design space of the system reads this limitation [e.g., Alston: Fig. 5A-Fig. 8, col. 11, lines 22-36, col. 13, lines 10-18].

In reply to b), the examiner points out that Alston clearly discloses the transformation of the source data to derive the target object via keys. For example, see col. 17, line 45 – col. 18, line 20 and Fig. 6. Wherein, the split screen provides information about source [e.g., the unit: 152, Fig. 6] from which a target object [e.g., the units: 154, Fig. 6] was derived.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen  
Examiner  
Art Unit 2161

November 22, 2004



**UYEN LE**  
**PRIMARY EXAMINER**